

ORAL TESTIMONY OF ROBERT W. TREPP

Cultural sites in the southeastern United States do not fit neatly into statutory categories. By far, the greatest number of sites are associated with the Muscogee (Creek) people, but the single confederacy which signed its first federal treaty in 1790 today includes not only the Muscogee Nation removed to Oklahoma, but also the Seminoles of Florida and Oklahoma, the Miccosukee in Florida, the Poarch Band in Alabama, the Coushatta in Louisiana, and the Alabama in Texas, as well as isolated non-tribal descendants and several groups seeking federal recognition.

Among the Muscogee Nation, we still recognize our tribal towns which were able to reorganize after removal. Most of these are traceable to specific geographic locations within the historic period, and a few even to first contact in 1540.

At the Ocmulgee Mounds National Monument in Macon, Georgia, for example, the site is named for a town which lived near the mounds in the 1730's, many years after the mounds' builders and occupants had abandoned the site, and strict cultural affiliations are difficult to prove; however, the site is important to all Muscogee people as the birthplace of the confederacy itself. This cultural prominence was important during the tribal effort to establish the first Tribal Cultural Property designation east of the Mississippi in 1995 in response to the continuing effort of the Georgia Department of Transportation to build an expressway through lands the Muscogee Nation first protected by treaty in 1805. These lands, mostly outside the National Monument property line, are rich in archeological resources which have not been comprehensively surveyed. They are the homes and graves of the people who built the mounds. Our 1995 resolution as well as earlier opposition to the expressway remain tribal law today.

Another disturbing series of events has been at Hickory Ground, outside Wetumpka, Alabama. The Department of the Interior granted funds to the State of Alabama in 1978 to protect this site, and Alabama granted the funds to the Poarch Band, then a state recognized tribe. The site was placed in USA Trust for the Poarch Band in the 1980's upon their federal recognition, but in 1998 a preservation covenant in the deed expired, and the Poarch Band has conducted archeological surveys, graded land, installed utilities, and built a bingo hall on the site. All these actions were taken or approved by the Eastern Area Office of the BIA, without any consultation whatsoever with the people of Hickory Ground Tribal Town, who are still an organized tribal town with an exact location and known officers. The leaders of Hickory Ground cannot be here today because of their responsibilities for their annual ceremonies, but their position is still that they are disturbed by the situation because they have not been consulted. They feel a responsibility for the burials of their people which far exceeds the standards of the American culture.

The Hickory Ground site is referred as our 'last capitol before removal.' Our traditional people do not understand the ambivalence of the Poarch Band: they are "Creek" when it is to their advantage and they are "not Creek" when they see an opportunity for gain. My personal hope is that Congress

suspend the Trust status of these lands until an agreement might be reached regarding their preservation.

Participating in the consultation process is an unfunded federal mandate. Our tribal government has limited resources, and officers and executive staff are usually more concerned about replacing someone's roof or finding funding for someone's chemotherapy than they are about problems with cultural sites 700 miles and 160 years behind us. But to the average tribal member, protecting these sites and their burials is a matter of plain human dignity and being accepted as members of the human race. Federal regulations aren't always written with these complexities in mind. For example, a university archeologist reports that Poarch's construction is close to where he located the burial of a girl about 10 years of age. The Poarch Band is recognized as a Tribal Historic Preservation Office and their records cannot be reviewed by outsiders. Their own published survey of the trust and non-trust lands found no burials whatsoever, unbelievable for a site with a known historic occupation exceeding 40 years.

While the NAGPRA statute protects 'lineal descendants', NAGPRA regulations define this as a lineal descendant by blood, and do not yet specifically recognize the more communal and social relationships which our define our culture. While the Hickory Ground people may not be the blood descendant of this 10-year-old girl, they are the descendants of her family and clan, the descendants of the people who buried her, the sole descendants of her tribal town in every political and social sense our culture knows. In closing, the enormity of the problem appears to us as a crisis. Usually, what archeologists identify as a site is only the epicenter of a community which occupied all the nearby lands. The State of Alabama has identified over 30,000 prehistoric cultural sites, and our people once occupied as well all of Georgia and portions of Florida, Tennessee, and the Carolinas. A handful of sites are adequately preserved, and thousands of sites are legally protected on federal and state lands, but the overwhelming number of sites are on private lands, and the same factors which made these sites useful to our people still make them useful to the people who replaced us. The United States needs a policy of tax credits, not just deductions, for people who protect private sites, and laws which expedite transfer of these sites back to the tribal government with the highest degree of cultural relationship.